

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Veijo VANTTINEN <i>et al.</i>	Confirmation No.: 9980
Application No.: 09/864,017	Examiner: Truong, Thanhnga B.
Filed: May 23, 2001	Group Art Unit: 2438

For: METHOD FOR PROCESSING LOCATION INFORMATION RELATING TO
A TERMINAL CONNECTED TO A PACKET NETWORK VIA A
CELLULAR NETWORK

Commissioner for Patents
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed June 29, 2011.

I. STATUS OF THE CLAIMS

Claims 1-32, 35 and 36 are pending in this Appeal, in which claims 33 and 34 have been canceled. Claims 2, 4, 6, 8, and 18-20 are original claims, and claims 1, 3, 5, 7, 9-17, 21-32, 35, and 36 have been previously presented.

Claims 27, 28, 31, and 32 were finally rejected in an Office Action dated October 29, 2010 and claims 29 and 30 were objected to in the October 29, 2010 Office Action as being dependent upon a rejected base claim, but would be allowable if recast in independent form. Claims 1-26, 35 and 36 stand allowed. It is from the final rejection of claims 27, 28, 31, and 32 on October 29, 2010, that this Appeal is taken.

II. GROUNDS OF REJECTION TO BE REVIEWED

A. Claims 27 and 28 were rejected under 35 U.S.C. § 103(a) for obviousness predicated upon *Linden et al.* (US 6,549,773) in view of *Dent et al.* (US 5,812,955).

B. Claims 31 and 32 were rejected under 35 U.S.C. §103(a) for obviousness predicated upon *Linden et al.* in view of *Dent et al.*, and further in view of *Wang et al.* (US 6,415,773).

III. ARGUMENT

Initially, Appellants maintain and incorporate herein the arguments advanced in the Appeal Brief filed March 31, 2011. The arguments presented *infra* address certain new assertions presented by the Examiner in the Answer.

Regarding the 35 U.S.C. §103(a) rejection of independent claim 27, the Examiner (on page 7 of the Answer) continues the assertion that the *Linden et al.* reference discloses “an apparatus that receives, from a mobile station, information relating to a location information request and a sender of the location information request, and determines to exchange information about a security association with a network element connected to a cellular network, the security association pointing to the network element from the sender of the location information request.”

Appellants respectfully disagree and submit that the Examiner has failed to articulate how the disclosure of *Linden et al.* allegedly corresponds to the above-discussed features of independent claim 27. That is, the Examiner fails to provide a clear analysis as to how the claimed features are taught by *Linden et al.* For example, the Examiner, (on page 7 of the Answer, under the title “Answer to argument I”), relies on Figure 1 of *Linden et al.* and communications among the components of Figure 1, without explaining how the communications relate to the claimed features of claim 27.

Additionally, on page 8 of the Answer, the Examiner states: “Although Linden discloses exchanging information between the client 1 and serve 3 (see column 10, lines 6-8), Linden is silent about exchanging information that associates with security association.” Based on this statement by the Examiner, it can be concluded that the feature that the Examiner alleges as being disclosed by *Linden et al.* is in fact “exchange of information between the client 1 and the server 3.” However, even so, the Appellants submit, and it is known in the art, that exchange of information between a client and a server is one of the most basic features of any communication system.

In order to more clarify the deficiencies of *Linden et al.*, the Appellants submit that at least the following components are described in claim 27, namely **an apparatus, a mobile station, a sender of the location request, and a network element connected to a cellular network**, wherein, based on the claimed features, **the apparatus receives, from the mobile station**, information relating to a location information request and **the sender of the location information request**. The **apparatus** also determines to exchange information about a security association with **the network element connected to a cellular network**, wherein **the security association points to the network element connected to a cellular network from the sender of the location information request**. The Appellants submit that the exchange of information about a security association between **the apparatus and the network element connected to a cellular network**, as claimed and as described above is neither disclosed or even suggested by *Linden et al.*, and certainly cannot be compared with the exchange of information between client 1 and the server 3 of *Linden et al.*, as seemingly suggested by the Examiner. Furthermore, the pointing of the security association from **the sender of the location information request to the**

network element connected to a cellular network, as claimed, is neither disclosed, nor even remotely suggested, by *Linden et al.*

Furthermore, regarding the Examiner's statement (on page 9 of the Answer): "[b]esides, examiner would like to bring the attention to the appellant that the limitation, "the subscriber data or identifications points to a network element connected to a cellular network from a sender of a location information request," (see appeal brief, page 6, lines 17-19) does not recite in the claimed limitation, specially the bolded part, as in claim 27," Appellants respectfully submit that the Examiner has misinterpreted Appellants' arguments.

Appellants submit that the subscriber data or identification as referred to in the Appeal Brief does not refer to the claimed invention, but rather, refers to elements of the *Linden et al.* reference that the Examiner apparently relied upon as corresponding to the claimed "security association" (see Final Office Action, pages 3 and 6). For example, the Examiner, on page 3 of the Final Office Action, while referring to the claimed security association and referring to *Linden et al.*, stated: "column 6, Lines 57-66, wherein the information about a security association is stored in the smart card that uses in mobile phone, such as MS1 and MS2 of Linden." However, lines 57-66 of *Linden et al.* state: "the smart card is used to store subscriber data and identification." As best understood, and based on the Examiner's reference to the disclosure of *Linden et al.* in addressing the claimed "security association," the Examiner previously compared the subscriber data and identifications of *Linden et al.* as corresponding to the claimed **security association**. Therefore, Appellants' reference to "subscriber data or identifications" in the Appeal Brief, on page 6, lines 17-19, in fact, refers to the Examiner's interpretation of the *Linden et al.* reference, and does not, in any way, correspond to the claimed features.

Therefore, Appellants respectfully submit that the system of *Linden et al.* cannot reasonably be considered to disclose the above discussed features of independent claim 27. In addition, the secondary references to *Dent et al.* and *Wang et al.* do not cure the deficiencies of *Linden et al.*. Thus, whether taken alone or in combination, and Appellants certainly do not agree that the requisite fact-based motivation has been established for combining the applied references, the combinations of *Linden et al.*, *Dent et al.*, and *Wang et al.* fail to teach or render obvious all of the recited features of independent claim 27. Therefore, independent claim 27 is patentable over the combination of *Linden et al.* and *Dent et al.*, and *Wang et al.* does not cure the deficiencies of *Linden et al.* and *Dent et al.*.

In addition, dependent claims 28, 31, and 32 are patentable, at least in view of the patentability of independent claim 27, from which these claims depend, as well as for the additional features these claims recite. For example, dependent claim 28 recites, *inter alia*, “determine to establish **a second security association, which points to the apparatus from the sender of the location information request and at least specifies data origin authentication.**” Neither *Linden et al.* nor *Dent et al.* discloses or renders obvious the claimed second security association **that points to the apparatus from the sender of the location information request.**

Accordingly, Appellants submit that the imposed rejections of claims 27, 28, 31 and 32 under 35 U.S.C. §103(a) by *Linden et al.*, *Dent et al.* and *Wang et al.* and objection to claims 29 and 30 as being dependent upon a rejected base claim is not factually or legally viable. Hence, Appellant solicits the Honorable Board to reverse the rejections.

IV. CONCLUSION AND PRAYER FOR RELIEF

Based on the foregoing, it is apparent that the Examiner's rejections under 35 U.S.C. § 103(a) are not factually or legally viable. Appellants, therefore, request the Honorable Board to reverse each of the Examiner's rejections.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

August 29, 2011

Date

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